REMARKS/ARGUMENTS

As this application is on a final Office Action, a Request for Continued Examination of this application has been filed along with this Amendment that responds to the Office Action mailed June 3, 2003 and that amends the claims thereof.

The independent claims have been amended by addition of a device for causing the fluidization fluid to flow up in the chamber, in claim 1, and the step of having the fluid flow up in that chamber, as in claim 9. Other claims were amended slightly to improve their form and a new claim was added to further detail the apparatus.

Claims 1-3 and 5-11, the claims pending in the application, were rejected under 35 U.S.C. 102 as anticipated by Morris. Applicant acknowledges the Examiner's view of the teachings of Morris and while Applicant continues to believe that the previous arguments concerning the claims are correct, in view of the further amendments to the independent claims, the issue of the correctness of Applicant's prior arguments has been rendered moot. Applicant argues further with respect to Morris.

In Morris the fluidization flow through arrays of plates is always downward through the array because of the configuration of the plates in Figure 1. The area for flow, between the plates, is typically much less than the vessel cross-sectional area which may lead to high velocity downward flow between the plates and considerable turbulence.

The high velocity turbulence between the plates in Morris causes the suspended particles to go with the flow whereby no separation takes place in the channels formed between the plates. This is completely different from the situation in the present invention where separation or segregation takes place between the plates according to the mechanism clearly explained in the body of the specification with reference to Figure 1.

Amended claims 1 and 9 now recite that the particles in the fluidized bed flow upwardly into the array of plates. This is quite distinct from Morris where the flow is always downwards through the array.

Further, both of claims 1 and 9 now recite that particles are segregated between the plates, reporting above or below the plates according to their size or density. In Morris, there is no segregation between the plates where there is high velocity turbulent flow with all particles passing through the narrow slits between the plates. Were this not the case, the Morris construction would clog up in use.

The principle of operation of the present invention is completely different from that described in Morris, and these differences are defined by claims 1 and 9.

In view of the amendments to the claims and the foregoing remarks, it is submitted that all of claim 1, 3 and 5-12 are allowable and allowance is requested.

EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail to Addressee (mail label # EV 342534675 US) in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, Alexandria, VA 22313-1450, on December 3, 2003

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